

REMARKS

Applicant has made a concerted effort to present claims which clearly define over the prior art of record, and thus to place this case in condition for allowance. Currently, claims 1-6, 8-11 and 13-21 are pending. Claims 7 and 12 were canceled without prejudice. Claims 15-21 were added in this Amendment.

Claim Rejections - 35 U.S.C. §103

Claims 1 and 2 were rejected under 35 U.S.C. §103 as being unpatentable over United States Patent No. 3,072,382 to Jones in view of United States Patent No. 4,456,225 to Lucas and United States Patent No. 3,224,733 to Ensley. Reconsideration and allowance of the claims is requested.

As conceded by the Examiner, Jones does not disclose how the cable puller is attached to the frame. It is clear, however, that Jones does not disclose attaching the cable puller by use of vise chains as specified in claim 1. It appears to Applicant that the cable puller of Jones is welded or bolted to the frame as has been conventionally done in the prior art.

In order to show motivation for the use of chains to attach the cable puller to the frame of Jones, the Examiner relies upon Ensley. Ensley discloses a typical prior art mounting of a cable puller by vise chains to a tube 11. This is identical to that shown in Figure 2 of the present application and conceded as prior art by the Applicant. Applicant concedes that it has been known to mount a cable puller by vise chains to a tube, but does not concede that it has been known, or is obvious, to mount a cable puller to an adaptor frame by vise chains.

Applicant submits that there is no motivation for combining Ensley with Jones absent the use of hindsight after reading Applicant's disclosure. It has only been known in the prior art to use the vise chains to attach the cable puller to a tube or pipe as shown in Figure 2 of the present application. The use of the vise chains to attach the cable puller to an adaptor mounted on a wheeled carriage has not been heretofore known or suggested. The attachment of the cable puller to an adaptor mounted on a wheeled carriage presents clear benefits that have not been previously realized in the prior art.

In addition, Applicant submits that it would not be convenient to use the vise chains of Ensley with the frame of Jones because of the slanted side members 12 of Jones. The vise chains would slide on the slanted legs and be difficult to securely fasten around the frame of Jones.

Therefore, Applicant submits that the combination of Jones, Lucas and Ensley does not render obvious the claimed invention specified in claim 1. Reconsideration and allowance is requested.

Allowable Subject Matter

The Examiner indicated that claims 3-14 would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims. Claims 8 and 14 have been placed into independent form and include all of the limitations of the base claim and any intervening claims. In addition, claim 8 has been amended to specify that "said cable puller abutting said spars and said at least one rib" to clearly differentiate the claimed structure from Jones. Reconsideration and allowance of claims 8 and 14 is requested.

Claims 15-19 were added in this Amendment and are dependent upon claim 14 which Applicant submits is allowable. Entry and allowance of claims 15-19 is requested.

Newly-Presented Claims 20 and 21

Claim 20 is newly presented and is dependent upon claim 1. Claim 20 specifies “said adapter is removably mounted on said wheeled carriage, and said cable puller is removably mounted on said frame by said vise chains.” Applicant submits that the combination of Jones, Lucas and Ensley does not render obvious claim 20.

Claim 21 is newly presented and is dependent upon claim 1. Claim 21 specifies “said frame has two sides which are parallel to each other and extend from a front end to a rear end of said frame, said vise chains surrounding said sides of said frame.” This is clearly shown in the drawings. Applicant submits that the combination of Jones, Lucas and Ensley does not render obvious claim 21.

Entry and allowance of claims 20 and 21 is requested.

Information Disclosure Statement

Applicant notes that the Examiner did not consider the Information Disclosure Statement filed on September 7, 2004, copy enclosed. A check of the status information on the United States Patent and Trademark Office website indicates that this Information Disclosure Statement was received on September 7, 2004. Applicant requests consideration of same.

In addition, Applicant encloses an Operating, Maintenance, Safety and Parts Manual for the Current Tools Model 8890 and Model 8090. It appears that this Manual relates to the advertisement which is the subject of the Information Disclosure Statement filed on

September 7, 2004. Applicant's attorney, Linda Palomar, became aware of this Manual on June 13, 2005, during preparation of the response to the Office Action. When the Information Disclosure Statement was filed on September 7, 2004, Applicant's attorneys attempted to locate a website for Current Tools, but it was "under construction" at that time.

In view of the above Amendments and Remarks, Applicant respectfully submits that the claims of the application are allowable over the rejections of the Examiner. Should the Examiner have any questions regarding this Amendment, the Examiner is invited to contact one of the undersigned attorneys at (312) 704-1890.

Respectfully submitted,

Dated: June 14, 2005

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